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March 15, 2001

Ex Parte

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W. – Portals
Washington, DC 20554

RE: Bell Atlantic Corp. and GTE Corp., CC Docket No. 98-184

Dear Ms. Salas:

At the request of the staff we are filing the enclosed letter and attachments sent to Ms. Dorothy Attwood, Chief of the Common Carrier Bureau. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Dee May" followed by a stylized monogram or initials.

cc: D. Attwood
A. Dale
C. Matthey
M. Stone

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March 15, 2001

Ms. Dorothy Attwood
Chief-Common Carrier Bureau
Federal Communications Commission
445 12 Street, SW, Fifth Floor
Washington, DC 20554

Dear Ms. Attwood:

This letter responds to Covad's March 5 letter to you arguing that Verizon is not entitled to cease providing the "OSS Discount" set forth in paragraph 25 of the Bell Atlantic/GTE Merger Conditions. Covad is incorrect.

Covad quotes paragraph 292 of the Commission's order as setting forth two requirements that Verizon must meet before it can stop providing the 25% discount. Covad does not take issue with Verizon's satisfaction of the second requirement it quotes – "the Bell Atlantic/GTE separate advanced services affiliate uses such interfaces for pre-ordering and ordering at least 75 percent of the facilities it uses to provide advanced services." Nor could it. As we previously demonstrated, Verizon unquestionably satisfies that requirement.

Covad's quarrel is with the first of the quoted requirements – "Bell Atlantic/GTE has developed and deployed, in the manner described above, the advanced services OSS interfaces, including any agreed-upon or arbitrated enhancements." But in its argument, Covad ignores a key phrase in the Commission's order. The phrase "in the manner described above" refers to the preceding paragraphs in the Commission's order which describe (1) Verizon's obligation under the merger conditions to prepare a plan of record outlining the steps Verizon proposes to unify its OSS interfaces in the separate Bell Atlantic and GTE services areas (including for advanced services), (2) competitors' opportunity to comment on the plan of record and its scope, including the procedures for a collaborative process, (3) collaboratives with CLECs to reach agreement on the interfaces, enhancements, business rules, and data format specifications to be implemented, (4) the availability of binding arbitration if Verizon and the CLECs were unable to reach agreement in the collaboratives, and (5) Verizon's obligation to develop and deploy the agreed-upon or arbitrated OSS requirements within specified periods of time. Merger Order, ¶¶ 288-289.

Verizon has undertaken all of these steps (except arbitration, which was not necessary or requested by any party): (1) Verizon provided its plan of record to the Commission and to CLECs on September 28, 2000, as required by the merger conditions. (2, 3) Verizon conducted 17 collaborative sessions with respect to the former Bell Atlantic service areas (five of which focused on pre-ordering and four on ordering), during which CLECs had the opportunity to

comment on the plan of record, its scope, and the collaborative procedures. In addition, CLECs had the opportunity to raise issues concerning the pre-ordering and ordering interfaces, and specifically the OSS interfaces used for pre-ordering and ordering unbundled network elements used to provide advanced services, during those collaboratives. No participant raised any issues with respect to the pre-ordering and ordering interfaces for advanced services in the collaboratives. Issues raised in the collaboratives and their resolution are reflected in the revised plan of record provided to the Commission and the CLECs on December 22, 2000. (4) No party sought arbitration. (5) Verizon implemented the two items specified in the plan of record with respect to ordering in October 2000 (there were no items specified for pre-ordering).

Covad does not claim that Verizon has failed to take any of the steps noted above. Moreover, Covad itself participated in some of the collaborative sessions pursuant to the plan of record, but did not raise any issues concerning the OSS interfaces used for pre-ordering and ordering unbundled network elements used to provide advanced services. If Covad genuinely thought the plan of record was not adequate with respect to OSS interfaces for advanced services, it obviously could have raised the issue since the Commission's Order was explicit with respect to Covad's ability to do so. *See Bell Atlantic/GTE Merger Order*, ¶ 292. But neither Covad nor any other participant raised any such issue, and Verizon has provided OSS interfaces for advanced services in strict conformance with the final plan of record that was developed in the manner prescribed by the order. Nothing more is required.

Accordingly, Verizon has met both requirements set forth in the Commission's order, and it is entitled to stop providing the discount. If you have any questions, please do not hesitate to call me.

Sincerely,

Dee May (AB)